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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/437,812	11/10/1999	MARK E. PENNELL	003824.P001	8501

30256 7590 05/14/2003

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EXAMINER

NGUYEN, QUANG N

ART UNIT PAPER NUMBER

2141

DATE MAILED: 05/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

*Response time has been restarted
as of the mailing date of this
office action.*

Office Action Summary

Application No.
09/437,812

Applicant(s)
PENNELL ET AL

Examiner
Quang N. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Apr 1, 2003
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 68-83 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 68-83 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

DETAILED ACTION

1. Applicant's election of Group III (claims 68-83) in Paper No. 13 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Applicant is requested to cancel the non-elective claims 1-67.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claim 68-71, 76-78 and 83 are rejected under 35 U.S.C. 102(e) as being anticipated by Gabber et al. (US 5,961,593), herein after referred as Gabber.

4. As to claims 68 and 71, Gabber teaches a system and method for providing anonymous personalized browsing by a proxy system in a network comprising:

detecting one or more online events relating to a user of a plurality of network sites (WSJ, ESPN, NYT, AMAZON of Fig. 2);

accumulating event information corresponding to the online events; and

presenting presentation information to a user corresponding to the event information (Gabber, C12: L19-44).

5. As to claim 69, Gabber teaches a method as in claim 68, wherein the detecting comprises receiving an email change or status notification that includes an email address corresponding to the user and one or more of the network sites (Gabber, C12: L36-44).

6. As to claim 70, Gabber teaches a method as in claim 68, wherein the detecting comprises: monitoring user activity at the one or more network sites; and responding to a transaction user activity by generating and forwarding for accumulation a corresponding transaction notification (Gabber, C12: L36-56).

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7. Claims 76-78 and 83 are corresponding system and computer readable storage medium claims of claims 68-71; therefore, they are rejected under the same rationale.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. **Claims 72-75 and 79-82 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gabber, in view of Pepper et al. (US 5,930,700), herein after referred as Pepper.**

10. As to claims 72-75, Gabber teaches the method as in claim 68, but does not explicitly teach the presenting comprises causing an alert/message/popup window corresponding to the notification to be sent to a user device of the user.

In the related art, Pepper teaches a system and method for automatically screening and directing incoming calls, such as telephone calls, faxes, emails, and the like (i.e., alerts corresponding to notifications) to a communication services subscriber wherein the subscriber maybe notified by an interactive GUI pop-up window about new

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pending messages (Pepper, C3: L12-17, C5: L64-67, C6: L1-54, C8: L60-67, C9: L1-11 and C13: L14-22).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify and combine the teachings of Gabber and Pepper to cause an alert corresponding to the notification to be sent to a user device of the user because it would allow the system controlling the delivery of incoming calls to subscribed user according to the user's schedule/request.

11. Claims 79-82 are corresponding system claims of claims 72-75; therefore, they are rejected under the same rationale.

12. Further references of interest are cited on Form PTO-892, which is an attachment to this office action.

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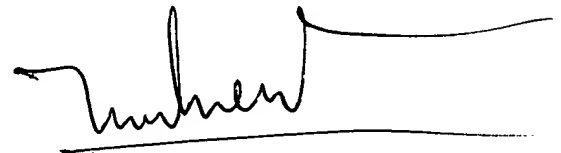
13. A shortened statutory period for reply to this action is set to expire THREE (3) months from the mailing date of this communication. See 37 CFR 1.134.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang N. Nguyen whose telephone number is (703) 305-8190.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's primary, Le H. Luu, can be reached at (703) 305-9650. The fax phone numbers for the organization is (703) 746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800/4700.

Quang N. Nguyen

A handwritten signature in black ink, appearing to read 'Le Hien Luu', written over a horizontal line.

LE HIEN LUU
PRIMARY EXAMINER